

ORDERS AND CONSTITUTIONS, PARTLY COL-

lected out of his Maiestties Letters
Patents, and partly by authority
and in vertue of the said Letters
Patents:

*Ordained upon mature deliberation, by the
Governour and Company of the
Plantations for the Planting
and settling of the said
NEW-ENGLAND: for the better governing
of the actions and affaires of the said
Company and Plantation.*
6. Febr. 1621.



Printed by F. K. KINOSTON
1622

ORDERS

AND



Printed by F. & J. Kynaston

1752

Orders and Constitutions, partly collected out of his Maiesties Letters Patents, and partly by authority, and in vertue of the said Letters Patents: ordained vpon mature deliberation, by the Gouvernour and Company of the City of London, for the Plantation of the Summer-Ilands: for the better governing of the Actions and Affaires of the said Company and Plantation. 6. February. 1621.

THE FIRST PART.

The Company.

THE Company of *Summer-Ilands* consisteth of the Free-holders and Owners of Land there. Neuerthelesse, no man shall be admitted into this Company, or haue voyce in any election, or other businesse, in quality of a Free-holder or Owner of Land, that is not Owner of one entire Share, at the least, of the foure hundred and five

shares, into which the eight Tribes of the said *Summer-Ilands* are diuided. Provided alwayes, that the Owners by Ioynt-tenancy, Coparcinary, or otherwise, as Tenants in common, if the number of their persons exceed not the number of their Shares so held, may be admitted into the said Company, and haue each their seuerall voyces: but if the number of their persons exceed, they shall, or may present one to haue voyce for them all.

2.

No man, though hauing right, shall presume to be present at the Assemblies of the said Company, before he be solemnly admitted by the Gouverneur or Deputie of the said Company in a Generall Court: which admittance shall neither bee granted, where it is not due; nor denyed, or delayed, where it is apparantly due.

3.

No person, by reason of minority of yeeres, (ha-
uing otherwise right) shall bee excluded from be-
ing present at the Generall Assemblies of the said
Company: but yet shall not be admitted to haue
voyce in any Election, or other businesse whatsoe-
uer, till he haue accomplished the full age of eigh-
teene yeeres.

Courts.

Courts.

II.

4.
THere are foure great Generall Courts, commonly called, Quarter Courts, appointed to be held by the Gouvernour, Assistants, and Company for the *Summer-Ilands*, vpon the foure last Wednesdayes of every Terme; which onely haue, and shall haue power to chuse Officers, as well for the Company here, as also for the Colony and Planters in the *Summer-Ilands*; to make Lawes and Ordinances; to distribute and dispose of the Lands in the *Summer-Ilands*, as well for the publique good of the Company and Colony, as also agreeable to euery mans particular right. And lastly, to settle the matter of Trade, for behoofe of the Company and Colony.

5.
 Euery Friday before a Quarter Court, shall bee held a Court to prepare all kind of businesse referred to the power of a Quarter Court to determine.

6.
 Euery Wednesday fortnight, reckoning from the great Courts, shall also bee held an ordinary Court for this Company, for dispatch of ordinary and extraordinary businesse. And it is not to bee counted a perfect Court, vnlesse the Gouvernour or Deputy be there, and seven of the Assistants.

7. It

(4)

7.

It shall bee in the power of the Gouvernour or Deputy in his absence, ypon extraordinary cause, to call an extraordinary Court.

8.

It shall not be in the power of any other then a Quarter Court to make any contract, (saue for the setting out of Ships) whereby either to charge the Company, or otherwise to binde the Company for any continuance of time. In which case it shall bee proposed also in the Preparatiue Court next preceeding.

9.

Publique businesse shall haue precedence in the Courts before priuate, vnlesse there bee extraordinary important cause to the contrary.

10.

If any thing ordered in an ordinary or lesser Court, be afterward reuerfed in one of the foure great and Generall Courts, it shall be from thence forward, as though it had neuer been so ordered.

11.

All Courts shall begin at two of the Clocke in the afternoone, and dissolue at the rising of the Gouvernour, or of the Deputy in his absence.

12.

Nothing shall be put to the question after fixe of the

(5)

the clocke in the afternoone: yet by order of the same Court to be made before fixe, the debating and concluding of any particular businesses mentioned in the said Order, may continue on longer, as the matters then in handling shall require.

13.

If the businesse for the Quarter Courts grow very great; it shall be in the power of the Gouvernour or Deputy, with allowance of the Preparative Court next preceding, to assemble the Quarter Courts both in the forenoones at eight of the clocke, and in the afternoones of the dayes appoynted for them. Neuerthelesse, in regard the meetings in the afternoones haue beene obserued to bee alwayes farre greater then in the mornings: It shall be in the power of the same Quarter Court, in the afternoone to disauow and reuerse any thing passed in the morning; to which purpose the morning Court shall be first read.

14.

The Company shall be summoned to the Quarter Courts, and Courts extraordinary by the Officer, but of the ordinary Courts themselves shall take notice. And the Secretary shall keepe a Booke of the proceedings of the Courts, who with the husband, and other Officers shall at all Courts give diligent attendance.

15.

It shall be lawfull at a Generall Court, and with
B consent

consent thereof, to dispence with all meetings in long vacations, or in such part of them as may be spared, vnlesse some extraordinary matter befall. In which case may be called extraordinary Courts.

16.

The Gouvernour and Company being a Body and Commualty perpetuall, shall haue one faire and common legall Scale, to be kept by the Gouvernour, and not to be affixed to any Grants or Instruments whatsoever, otherwhere then in publike Courts, or by expresse warrant from thence.

Elections.

17.

III.

AT the Great and Generall Court, commonly called the Quarter Court in Easter Terme, all Officers of this Company shall be voyd; and the Court shall proceed to Election of new Officers in manner following.

18.

The Gouvernour, soone after the beginning of the Court to be held in the afternoone of that day, at the giuing vp of his Office, shall declare by word or writing, the present estate of the Colony and Planters in the *Summer-Ilands*. And the Treasurer at the same time shall deliuer into the Court a Booke of his Accounts for the yeere then ended, examined,

examined and approued vnder the Auditors hands: declaring withall the present estate of the Cash: which booke shall lye open in euery Court to bee viewed by all men till the next Quarter Court; and shall then be laid vp in the Chest of the Companies euidences.

19.

This done, the Gouvernour shall leaue his place, and the Court without intermixing of other businesse, shall proceed to Election of Officers for the yeere ensuing; first of a Gouvernour, then of a Deputy; afterward of the Assistants; next of a Treasurer; after that, of the Auditors: and lastly of the Secretary, Book-keeper, Husband, and Beadle.

20.

At the choyce of each Officer, the persons nominated to stand in Election, shall withdraw themselves, till the party chosen bee publicly so pronounced. And generally, no man shall bee present in the Court, whilst himselfe or his matter passeth the iudgement of the Court.

21.

In regard of the waighy businesse of this Company, which is also like to increase: no man shall be chosen Gouvernour of the Company of the *Summer-Ilands*, who at the time of his Election is Gouvernour of any other Company; except it seeme good for the behoofe of both Companies, that the same man haue the gouernment both of this Company, and of that for *Virginia*.

B 2

22. It

22.

It is for waighty reasons thought very expedient, and so ordered, that no man continue in the place of Gouvernour, Deputy, or Treasurer of this Company, aboute three yeeres at once.

23.

For the auoyding of diuers inconueniences; It is thought fit and so ordered, that all elections of Principall Officers, in, or for the *Summer-Ilands*, as also of the Gouvernour and Deputy here, be performed by a ballating box, as in some other Companies.

24.

Euery Officer as hee is chosen, shall openly in Court take his Oath, or if he bee absent, at the next Court he commeth to.

25.

The Gouvernour, Deputy and Treasurer, hauing no certaine allowance for their cares and labours: the rewarding of these former Officers according to their deserts, is referred to the pleasure of the Court, wherein new Officers are chosen.

Gouvernour

Gouvernour.

IIII.

THe Gouvernours duty is to keepe the ordinary Courts of the *Summer-Ilands*, and vpon cause extraordinary, to call Courts extraordinary: And in all Courts and other meetings, hee is to haue a casting voyce.

He is to moderate the Courts in quality of a President, and to cause grauity, decency and good order to be obserued: and for breach thereof, after a graue admonition first giuen and preuailing, to proceed to reformation by the iudgement of the Court.

He is to propound and put all things to the question which the Court requires, the same not being contrary to his Maiesties Letters Patents, or Instructions, nor to the Standing Lawes and Orders of the Company; vnder paine of being immediately put from his office, if he refuse: in which case, the Deputy shall doe it vnder the like paine. And if hee refuse, then any of the assistants there present.

The Gouvernour is to haue care that the extraordinary Committies appoynted by the Courts

to seuerall businesse, doe prosecute the same, and giue seasonable account of their doings to the Court.

30.

He is also to haue an especial care, that no Grant or Patent doe passe from the Company, but vpon examination thereof by a select Committy; who are exactly to obserue the Orders made concerning them. And to this end, with diuers others, hee is to haue a vigilant eye on the Companies Seale, which is to be committed to his custody, that they be not wronged by abusing thereof.

31.

The Gouvernour, vpon receit of publike Letters, from, or concerning the *Summer-Ilands*, shall assemble at least foure of the principall Assistants to impart them to them, and by their assent shall cause them to bee read in Court, vnlesse there bee some cause of secrecie; in which case hee shall communicate them with the Assistants onely. In like sort, the publike Letters and instructions to bee sent to the Gouvernour and people in the *Summer-Ilands*, or otherwise concerning them, hee shall cause to bee publike read, and approved by the Court or Assistants as the case shall require. And neither hee, nor any other, shall of his owne head or authority, write, or send any directions swaruing from such as the Court or Assistants shall giue, vpon paine to be suspended from the Court for ever.

32. The

32.

The Gouvernour shall assemble the Principall Assistants whom the Court shall particularly assigne to assist him, vpon all waighty occasions requiring serious deliberation: and shall haue care with them, that the Lords of his Maiesties Priuie Councell be acquainted with all matters of extraordinary and greatest importance concerning the State.

33.

He is to doe his best, that fit men bee chosen to the place of Assistants, and being chosen, is to haue care that they take their Oathes.

34.

The Gouvernour is to haue care also, that the generall Assistants keepe their Courts with the Deputie, vpon all occasions of businesse.

35.

The Gouvernour at his pleasure shall sit in any Assembly, either of the Assistants, or other Committees ordinary, or extraordinary; vnlesse the matter happen to concerne himselfe particularly.

Deputy

Deputy.

v.

36. For matter of the Courts, in the Gouvernours absence the Deputy shall performe his Office, and in his presence be assisting to him.

37. He shall oversee the Secretary for entering the Orders of Court, and shall give instructions for the writing of Letters as he shall be directed, and have care that accordingly they be written.

38. The Deputy shall also keep the Courts of Assistants vpon all occasions requisite, and at his pleasure shall also sit in any Assembly of Committies ordinary or extraordinary, vnlesse the matter concerne himselfe: and in all these, in the Gouvernours absence, he shall haue a casting voyce.

39. He shall suffer no warrant to be made and signed for issuing out of money, but in the open Court of Assistants, after due examination of the Cause: vnto all which warrants his owne hand shall bee first set, and after it, other foure hands or more of the Assistants. And the Deputie and Assistants shall not intermeddle with Disbursements for any other charges

charges, then such as arise within the compasse of their owne yeere.

40.

When a Warrant is directed to the Treasurer to pay any grosse Summe to the Deputie, to be issued out by him and the Assistants for the vse of the Company: in that case it shall not be requisite, that the Deputies hand be to the Warrant, so it be to the receit.

41.

Generally the Deputy shall over-see all inferiour Officers, that they performe their duties.

Assistants.

42.

THe Assistants being to bee foure and twenty, and to be yerely chosen; there shall be a yeerly alteration made of one fourth part at the least; to the end many be trained vp in the busines: to which end, the six new Assistants shall be first chosen.

VI.

43.

The Assistants Office is, together with the Deputy, to performe the orders of Courts, for setting out Ships, and buying prouisions for the *Summer-lands*; wherein especiall care is to be had, that neither the husband, nor any one man alone bee in-

C

• trusted

trusted with the making of those provisions: but two at the least, to be appoynted thereunto by the *Deputy* and Assistants in their Court; who shall also bring in their bills and accounts, to bee examined and approued by the Assistants. The like care shall they haue at the returne of Ships from the *Summer-Ilands*, of the Goods belonging to the Company, to bee safely kept and sold to the best aduantage, either in Court, or otherwise by the Courts direction. The accounts of all which, shall be transmitted to the Auditors; and the money remaining, returned to the Cash. The *Deputy* and Assistants shall also haue care, of the Invoyses to be made for the provisions sent to the *Summer-Ilands*: and of the Certificates of the receipt to be thence returned: as likewise of the Invoyses of the Goods sent from the *Summer-Ilands*. All which shall bee registred fairely in a Booke.

44.

The Assistants shall diligently keep their Courts, whensoever occasion of businesse shall require. They shall bee summoned by order from the *Gouernour* or *Deputy*: and it shall not bee counted a Court of Assistants, vnlesse the *Gouernour* or *Deputy* with sixe Assistants be present. The Secretary of the Company shall keepe a Booke also of their proceedings.

Principall

Principall Assistants.

45.

After choice of the foure and twenty Assistants, sixe of them shall be selected by the Court, to be of counsell with the Gouvernour, or Deputy in his absence, in all matters of importance concerning the *Summer-Ilands*: and they shall haue the name of Principall Assistants; but their power shall be onely to deliberate and aduise; but not to conclude, without the rest of the Assistants, or the generall Court, as the case shall require.

VII.

46.

The Principall Assistants are to assemble vpon all important occasions, being requested by the Gouvernour or the Deputy in his absence. And in defect of both, being desired by the Court: and without fauour or displeasure, priuate or sinister respect, to giue their faithfull aduice in all matters tending to the aduancement and benefit of the *Plantation*; and especially touching the making of Orders and Constitutions for the better gouerning, as well of the Company heere, as also of the Colony planted in the *Summer-Ilands*, wherein the policy and forme of *England* is to bee followed as neere as may be.

47.

The Principall Assistants, together with the Gouvernour

uernour and Deputy, shall haue an especial regard, by pious Constitutions, and by other good politique Lawes and Orders, to hold the people there in the true Religion and seruice of God; and in assured alleagiance to his Maiesty and the Crowne of *England*; in due respect also to this Company for the *Summer-Ilands*; and in iustice, peace, vniformity, and amity, amongst themselues.

48.

They shall also haue care of the Instructions to be deliuered, or sent from time to time to the Gouvernour, or other Principall Officers in the *Summer-Ilands*: and shall haue an eye vpon the due obseruance of the same.

49.

If any Principall Officer of the Company here, or Magistrate, great Officer or Councillor in the *Summer-Ilands*, shall by the fame of his mis-deserts, or particular occasion, merit to bee called in question heere of being remoued from his place, or otherwise reformed or censured: he shall be first conuented and examined by the Gouvernour, Deputy, and Principall Assistants, before his cause bee produced in publike Court: and in his absence the like course shall be held for his businesse.

50.

The Principall Assistants, in consideration of this their greater imployment, shall not bee tyed to attendance at the Courts of the generall Assistants,

sistants, other then at their owne leisure and pleasure.

Treasurer.

THe *Treasurer* shall stand charged with the publicke Treasure of the Company, and is to haue care that it be duely got in, and not issued out, but by lawfull warrant, and to the Companies vse.

VIII.

^{52.} A lawfull warrant for charges of the present yeere, is that which is signed by the Deputy and foure of the Assistants, vntil the money be to bee paid to the Deputy himselfe; in which case the warrant shall be signed by sixe of the Assistants: and for former charges and debts, that which is signed by three of the Auditors, whereof one to be of the *Quorum*; and vnderneath, or vpon the backe of euery Warrant, an Acquittance shall bee taken for the Receit vnder the parties hand.

XI

^{53.} The *Treasurer* is also to yeeld vp a true and perfect account of the generall Cash at the end of his yeere, and to bring it in a fortnight before, to the Auditors to be examined; and at all times, being requested by the Auditors or Assistants, to shew in what case the Cash doth stand.

54.

If any complaint or suspition grow concerning the account, a reuiew shall be made by twelue chosen by the Court, and the account being accepted and approoued by the Court, the *Treasurer* shall haue his *Quietus est*, vnder the Companies Seale at the Quarter Court in Trinity Terme then next insuing.

Auditors.

55.

IX.

THe Auditors shall be fiue; whereof one at the least of the Principall Assistants, and two of the *Quorum*.

56.

The Auditors shall haue care of the generall accounts, to examine the Receits and Disbursements according to the Orders of the Company: and in all cases of difficulty, or of breach of these Orders, they shall acquaint the Gouvernour, and the generall Court therewith; and from thence receive resolution, and direction.

57.

They shall also cause to be reduced into a severall booke, the whole Receits and Disbursements of that yeere; and the same vnder three of their hands

hands at the least, (whereof one to be of the *Quorum*) shall bee presented by the *Treasurer* at the *Quarter Court* in *Easter Terme*, at the giving vp of his and their Office.

58.

They shall signe no Warrants for the issuing of money, but onely for old charges or debts, that is to say, due before that yeere of their Office; and that not otherwise, then after due examination of the matter had in their appoynted meetings. Vnto which Warrant shall bee first set the hand of one at the least of the *Quorum*, and then of two other or more of the rest of the Auditors.

59.

The Auditors shall also imploy their best industry and care, for the recouery of the old Debts due to the Company, and their Receipts shall transmit to the generall Cash.

60.

And touching the old accounts now depending in Audit, that is to say, from the beginning of the Plantation, till the ninth day of May 1621. the Auditors shall proceed in the examining and reducing them to order, and to the finall auditing of them, with what expedition they well can; and shall from time to time acquaint the *Gouernour*, *Deputy* and *Court*, with such impediments and difficulties as shall be incident.

61. The

61.

The Auditors shall keep their meetings once at the least in a week in Terme time, or oftener, if need require; and once every moneth at least in the vacation times, to oversee the accounts, and to dispatch such other businesse as shall be committed to them.

62.

They shall also haue the authority of the Court, to call before them such persons as are indebted or accountable to the Company. To which end the Beadle shall attend vpon them: who shall be rewarded for his trauell at the pleasure of the Court.

Accounts.

63.

X.

NO Auditors extraordinary, shall presume to intermeddle with the auditing of any account, wherein the Body of the Company is interested; but being appoynted in the face, and with the approbation of the Court.

64.

All Accountants whatsoever, and Auditors extraordinary, if the Court so require, shall haue an Oath ministred vnto them in the face of the Court; the

the one for true accounting, the other for true auditing.

65.

No account shall bee held cleered, nor Accountant discharged, till the account being approued vnder the Auditors hands, bee presented to the Court, and there lye openly in Court two Court dayes, to bee viewed by any that are so disposed.

66.

If exception bee taken to any account whatsoever, the Court shall proceed to reuiew, as in like case of the *Treasurer*. If no exception bee taken in the two Court dayes, or vpon the reuiew returned, and the account approued; the Gouvernour then, or Deputy in his absence, shall signe the account in open Court; whereby the Accountant shall bee cleerly discharged.

67.

If any Officer, or other Accountant bee slow in bringing in his accounts to the Auditors ordinary or extraordinary; or within one moneth after his account is perfect, do not pay the Cash the due Summe remaining, vnlesse the Court see cause to giue longer time: the Auditors or Treasurer shall impart the same to the Court, that order be thence giuen for redresse thereof.

D

68. If

68.

If any man be found indebted to the Company by any meanes whatsoever, and being required, shall refuse or forbear to pay the said Debt: the same shall be leuied vpon such profits and commodities, as hee either hath in the *Summer-Ilands*, or shall be returned hither from thence; wherein hee shall stand to the iudgement of the Court.

Secretary.

69.

X I.

THe Secretary shall attend the Gouvernour and Deputy, in such service of the Company, as wherein they shall haue cause to use him. And besides the generall Courts, hee shall of duty attend the Courts of Assistants, and keepe severall Bookes of their proceedings. The Principall Assistants, Auditors, and Committies extraordinary, he shall then also attend, when, and so often as hee shall bee thereunto required.

70.

He shall be bound by oath to keepe secret all matters of secrecie; and not to discover the proceedings of the Principall Assistants, and Committies extraordinary, till such time as themselves shall publish the same.

71. The

71.

The Secretary, vpon reference of any businesse from the Court to a select Committie, shall giue a note to the Officer, containing the businesse, time, and place.

72.

His Office is also to be a Remembrancer to the generall Courts, and to the Courts of Assistants, for the prosecuting and performing of matters formerly ordered; as also touching Motions formerly made, and referred to speciall Committies, or other further consideration.

73.

If at any time a generall Court shall order any money to be issued out of the Cash, the Secretary vnder his hand shall deliuer a Copy thereof to the Auditors, if it be of old Debts; and if otherwise, then to the Deputy and Assistants, who respectiue-ly shall vnder that Order, make their warrant for payment of that money, vnlesse they finde the Court, by wrong information, to haue been abused and deceiued in that order; whereof at the next Court they shall giue aduertizement.

74.

The Secretaries Office is to keepe the Bookes of the Company, and fairely, and orderly to enter in them the partiulars heere-vnder expressed, and in such manner as hee shall bee directed by

the Gouvernour, Deputy, or Auditors. *First*, a Booke containing the Copies of the Kings Letters Patents to the Company: Likewise of all Grants from the Company for *Virginia*: Also of all Letters, Orders, Directions, and other Writings from his Majesty, the Lords of the Councell, and other great Officers, concerning the Company and Affaires of the *Summer-Ilands*; together with the answers made vnto them.

75. A second Booke shall bee kept of all the Lawes and Standing Orders established henceforward in the Quarter Courts, and beginning with this day; as well such as concerne the Gouvernement of the Company and businesse heere, as also the Gouvernement of the Colony and Affaires in the *Summer-Ilands*.

76. In a third Booke shall bee registred all the Patents, Charters, and Indentures of validity, heretofore granted, or that hereafter shall bee granted by the Gouvernour and Company; all Instructions; all publike Letters written to the *Summer-Ilands*, or from thence returned.

77. A fourth Booke shall bee of the Acts of the generall Courts, beginning with a new Booke at the Quarter Court in Easter Terme last. In which Booke, vpon any cause controuerted and debated, the

the Secretary shall have care to set downe exactly, the resolution and conclusion of the Court, together with the principall reasons inducing thereunto: but shall not set downe other passages of speech, nor the parties names that were of other opinion.

78.

A fifth Booke shall bee of the Acts of the Assistants, beginning from the same Court. In which Booke shall be registred all Invoyses of the provisions sent to the *Summer-Ilands*, and the Certificats of the Receits to be thence returned: as likewise the Invoyses of the Goods sent from the *Summer-Ilands*, with the Husbands Certificats of the receipt or defect.

79.

In the sixth Booke shall be registred the names of all the Aduenturers and Owners of Land in the *Summer-Ilands*, together with the number of Shares to each person belonging, according to the severall Tribes wherein they are placed. Here shall also bee entred the lawfull transports of Shares. Both which shall first bee published and allowed in a generall Court, and not registred in this booke, but by direction from thence.

80.

The Secretary shall also keepe safe in the Companies Chest of Euidences, the Originals of all the Letters Patents, and other writings afore men-

tioned: all the bookes also aforesaid: all the Gouvernours and Treasurers bookes of their yeerely accounts: the Husbands bookes of accounts of every voyage to the *Summer-Ilands*: and all other accounts perfected and approued by the Auditors. In the same Chest shall bee kept all Charter-parties, as well cancelled, as vncancelled: all bonds made to the Company, or for their vse: and all bonds of the Companies, discharged and cancelled: and all other writings and muniments whatsoever belonging to the Company: and the Secretary shall deliuer out none of the Companies writings, but by direction from the Gouvernour, Deputy, or Court, taking a note of the parties hand for the true restoring of them: and in conuenient time hee shall make Calenders of all the foresaid writings. The said Chest of Euidences shall haue two strong lockes to it: the key of the one shall bee kept by the Gouvernour or Deputy; and the key of the other by the Secretary.

81.

The Secretaries Salary shall be for the present, ten pounds *per annum*; and when the publike Land shall be thorowly planted, then twenty pounds; and of his paines extraordinary, the Court shall take consideration.

Booke-

Booke-Keeper.

82.

THe Booke-keeper, at such time as hee shall bee
be found to be necessary, shall be directed and
ordered by the Treasurer and Auditors; and shall
receiue his Salary in the Quarter Courts, as the Au-
ditors shall report of his paines and deserts.

XII.

83.

The Booke-keeper, vpon conference with the
Secretary and the Husband, and they two in his
defect, shall in euery Quarter Court present openly
to the Gouvernour, a true note of the Debts, both
owing by the Company, and ought vnto them; to-
gether with the ground from whence they are re-
sen; that the Court may take order for the discharge
of the one, and recovery of the other.

XIII.

Husband.

84.

THe Husband is to bee ordered by the Gouer-
nour, Deputy, and Assistants; and to keepe his
accounts in exact and iustificable manner: and to
bring them from time to time to the Deputy and
Assistants, to be first examined there, and approued
vnder

XIII.

under their hands, and then to bee presented to the Auditors.

85.

He shall at the end of euery voyage set out by the Company, make a seuerall booke of the charges of that voyage, to be presented by him to the Auditors, and by them to the Court. His wages for the present shall be tenne pounds *per annum*; and twenty pounds, when the publike Lands shall bee thorowly planted.

Beadle.

86.

XIIII.

THe Beadle or Messenger is to bee at command of the Gouvernour, Deputy, and Courts: He is to warne all Quarter Courts, and Courts extraordinary; all meetings of the Assistants, and of all select Committies. His wages tenne pounds *per annum* for the present, and twenty pounds when the publike Lands shall bee thorowly planted.

Generality.

Generality.

87
THe particular Members of the Company, shall
 bee subiect to the generall Courts, in matters
 concerning the Company or Plantation. If any
 man find himselfe agreed by a lesser or ordinary
 Court, hee may appeale to a great and Quarter
 Court: where the matter shall be heard and finally
 ordered. If any man refuse to obey both the Court
 and other, he shall be suspended from the Courts
 for three yeeres, and so much longer till hee submit
 himselfe to the order of the Court.

XV.

88
 Euery man speaking in Court, shall addresse
 his speech to the Gouvernour, or Deputy in his ab-
 sence, as representing the Court. And all private
 speech, or directed to particular persons, shall bee
 forborne.

89
 No man in one Court shall speake about thrice
 to one matter: saue the Gouvernour, and the De-
 puty being to moderate the busines.

90
 No man with his speech shall interrupt the
 speech of another, before he haue finished: except
 the Gouvernour, or in his absence the Deputy,
 (with approbation of the Court) see cause to

E

put

put any to silence for impertinency, or other vn-
seemely speaking.

91

If any man be found by sinister course, to practise
his owne advantage, to the damnifying of the pub-
like; or be found with the Companies money or
goods in his hands, and refuse to deliuer the same
being lawfully thereunto required: If being sum-
moned to the Court, hee refuse to appeare: or ap-
pearing, performe not the order of the Court, hee
shall be both suspended from the Courts, and far-
ther proceeded against, as an vnworthy member and
wrong-doer to the Company.

92

If any man out of euill mind, practise to rayse
faction or dissention in the Company: he shall for
the first time be admonished by the Governour and
the Court; and at the second time be suspended
from the Courts for three yeeres.

93

Whosoever shall attempt by priuate sollicitati-
on to packe the Court to any vniust or vnlawfull
end: he shall vpon complaint be conuented before
the Governour and Principall Assistants; And be-
ing conuicted thereof by iudgement of the Court,
hee shall bee suspended from the Courts for three
yeeres.

94 If

94

If any man be found through corrupt reward, to make a motion in the Court, tending to the publicke hurt, or to the priuate wrong of another: hee shall bee foorthwith suspended from the Courts for euer.

95

No man shall presume to intercept letters, written by or to the Gouvernour or Company, or to spread false rumours vpon sinister intent, to the wrong of the Gouvernour, Company or Colony. The offender shall bee suspended from the Courts for euer.

96

No man shall traduce any member of this Company in the Court of any other Company, for any thing done or spoken in this Court. The offender for the first time shall be admonished; for the second, suspended from the Court for one yeere; and the third time, for more yeeres, as the Court shall thinke meete.

97

To auoid the drawing of the Company into debt henceforward, It is ordered that no man, other then the Gouvernour or Deputie, by the aduice and assent of the Principall Assistants, make or propound any new proiect of charge to the Company: but that he therewithall offer good meanes

to defray that charge, and vphold his proiect, in such sort that the Company bee neuer drawne againe into any further Debr. And the breakers of this Order, shall bee excluded from the generall Courts, and from hauing voice or bearing Office for one yeere after.

If any man mooue for any charge to the Company by way of gift in what sort soeuer: It shall be first referred to a select Committie: And if the charge doe not exceede ten pounds, it may be ordered by the next Court: If aboue, it shall be referred to the Quarter Court ensuing.

It shall not be lawfull for any Owner of Land, to sell or transport his Shares to another, otherwise then in open Court: And not before it do appeare vnder three of the Auditors hands, that the partie transporting his Shares stand cleere, and bee not indebted to the Company; or the partie to whom they are passed, pay the said debt.

Lawes.

XVI.

NO Lawes or standing Orders shall be made by the Company, otherwise then in this manner. First, after the propounding of them in Court, they shall

shal be referred to the discussing of a Select Committee: the Committees shal present their labours to the view of the Assistants: The Court of Assistants approving them, they shall bee brought to the Court of Preparation next before the Quarter Court, and there openly read: And lastly they shall passe the Iudgement of the Quarter Court.

101

The Lawes and Orders thus made, shall bee fairly registred by the Secretary in a Parchment book: which he shall bring in euery Court, and lay on the Table, that all men may peruse them that are so disposed.

102

In the Quarter Court in Hillary Terme, all Lawes and Standing Orders concerning the Company here, shall bee publikely read in the beginning of the Court, till such time as it shall seem fit to haue them printed.

103

The abrogating of a Law or Order, shall proceed by the same degrees, by which the making.

104

All Orders heretofore made repugnant or swaring from these, shall be henceforth void.



Orders and Constitutions for the Summer-Ilands, &c. presented to the Quarter Court held the 6. of February, 1621. and finally enacted and established in the Quarter Court held the 29. of May, 1622.

THE SECOND PART.

Land in the Summer-Ilands.

105

XVII.



He Land in the *Summer-Ilands*, is partly publike, partly private. The private Land is diuided into eight Tribes, lying from the common Land, in this order: Namely, *Harington* and *Hamiltons* Tribe, *Smythes* Tribe, *Deuonshire* Tribe, *Pembroke* Tribe, *Pagets* Tribe, *Warwicke* Tribe, *Southampton* Tribe, and *Sandys* Tribe. Each of these Tribes is subdiviided into fiftie shares belonging to particular owners: saue that two shares in *Pembroke*

broke Tribe are appropriated for ever in quality of Gleabe land to the Minister. To *Southampton* Tribe there haue beene also annexed five other Shares or parts out of an ouerplus of Land that fell out in the Diuision, three whereof haue beene giuen by the Company to one of the Gouvernours in the said *Summer-Ilands*: And the other two are appropriated for ever in qualitie of Gleabe Land to the Minister.

106

The little Ilands and spots of Land scattered about these Tribes, and not appropriated to any Tribe at the admeasurment of the Land as parcell of the same, shall lye in common to the vse of al the eight Tribes: But the spare Land lying neere the fresh water in euery Tribe, shall bee diuided in proportion to euery share, and shall be orderly layd out for the building of houses, and for gardens and other easements to bee adioyned to them, that the people may liue more comfortably as in Townes together.

107

All the residue of the Land, with the little Ilands and spots adioyning, is and shall for ever continue publike Land; that is to say, The Land of the Gouvernour and Company of the City of London for the *Summer-Ilands*: and shall not be alienated from the Bodie of the said Company, or subdivided amongst the said Company or any part thereof. Save that two hundred Acres of the Iland, called

Davies

Dauies Iland, shall bee annexed to *Harrington* and *Hamiltons* Tribe, to make recompence for the alleged sterility of the Land in that Tribe: and excepting such other Lands, as haue been already lawfully alienated or granted by former Quarter Courts, if any such be.

Neuerthelesse, the publike Land shall receive the diuision insuing, for publike vses and seruices. Fiftie acres next to *Saint Georges* Towne, shall bee appropriated for euer in quality of Glebe Land to the Minister: and fifty other acres next to *Harrington* and *Hamiltons* Tribe, in like sort to another Minister. The Gouvernour of the *Summer-Ilands* there residing, shall haue allotted to him and his Successors, twelue shares of Land, containing three hundred acres: which Land shall lye together in *Saint Georges* Iland, and shall begin at the poynt next *Penistons* Iland at the East, and so shall take all the Land before it from Sea to Sea; saue that the fifty acres belonging to the Minister, shall lye neere to the Church and Parsonage house; and the Gouvernour shall take charge of the three Forts in his owne Land. The Sheriffe shall haue also allotted to him and his Successors there residing, foure shares of Land, containing one hundred acres, next adioyning to the Gouvernours Land. And the Secretary shall haue two shares, containing fifty acres. There shall be also allotted to the Captaines of the other Forts, eight shares of Land, containing in the whole, two hundred acres, viz, to the Captaine of the

the two Forts in *Penistons* Iland, two shares: to the Captaine of the Fort toward *Saint Davids* Iland, two shares: to the Captaine of the Fort on *Coopers* Iland, with a platforme ouer against the Forts on *Gurnards* Head, two shares: and to the Captaine of the Forts at the *Gurnards* Head, two shares: which shares of Land shall be laid out of good Land, and in places most conuenient for the Officers afore-said: all the residue of the publike Land, shall be occupied for the vse of the generall Company; and to defray the publike charges for the safeguard of the said *Summer-Ilands*; and in workes for the generall good of the Inhabitants thereof, according as the said Company shall appoynt.

109.

The *Gouernours* Land, at the charge of the Company, is to be furnished with two Tenants to every share. In like sort the Lands of the Sheriffe, and of the Secretary, and the Glebe Lands of the foure Ministers; the Lands also of the foure Captaines of the Forts aboue specified. And it shall not be lawfull for the said *Gouernour*, Sheriffe, Ministers, Secretary, Captaines, or any of them, to let out his or their Tenants to hire, or to imploy them elsewhere, or otherwise, then in occupying of the said Lands respectiue, vnder a grieuous penalty to be inflicted vpon the Offender by the iudgement of a Quarter Court. And the *Gouernour*, Sheriffe, Ministers, Secretary, and Captaines afore-said, and their Successors foreuer, shall at the yeelding vp, or leauing of their places, be it by death,

F

or.

or otherwise, leaue the like number of Tenants to their Successors, as shal be left vnto them from their Predecessors, or as they shall haue receiued from the Company.

IIIO.

For the benefit and better encouragement of all Handicrafts men necessary for the *Summer-Ilands*; it is granted and ordered, that euery Shipwright, Carpenter, Ioyner, Mason, Brick-maker, Brick-layer Smith, Cooper, Sawyer, and all other of like necessary Handicrafts, that shall goe to the *Summer-Ilands* to inhabit vpon the publike Land, and there to exercise their Handicrafts, shall haue two acres of the said publike Land set out vnto each for an House and Garden, paying the yeerely rent of two shillings, at the feast of Saint *Michael* the Archangell, to continue in like sort to them, their heires and assignes; vpon condition that they continue also the exercise of some Handicraft occupation, and wholly forbear the planting of Tobacco vpon the same Lands, and not otherwise.

IIII.

If any Handicrafts men aforesaid, shall desire to be placed in any of the Tribes, it shall bee lawfull for any Owner in euery of the said Tribes, to demise vnto any of the said Handicrafts men, two acres of his Land, or a lesse quantity, but not aboue, for such yeerely Rent as they shall agree on; vpon condition that the said Handicrafts man continue the exercise of his said Trade, and wholly forbear the planting

planting of Tobacco vpon the same Lands, and not otherwise.

112.

All the Lands in the *Summer-Ilands*, as well publicke, as priuate, shall bee occupied to halfe profits, betweene the Owners, and the Occupiers; except the Lands granted or demised to the said Handy-crafts men, and such Proprietors as themselves shall inhabit vpon their owne Lands, and such other as shall be here vnder excepted: And all other Contracts shall be voyd.

113.

Yet no children, or young men, vnder the age of twenty and one yeeres, shall share by halves, in the profits as other men doe, nor liue vpon shares by themselves; but with Masters of families, there being found to them diet, lodging, and apparell conuenient, with some other yeerely allowance of profit, according to their abilities and deserts. And if any owner of Land shall contract with his servant or Apprentice, to serue him at any other rates, and not at the halfe profits, till the said servant or Apprentice shall haue accomplished the full age of twenty foure yeeres, the said Contract shall stand in force and validity.

114.

The Gouverneur, and other Officers, shall take care for the preservation of the breed of Birds, by referring to them those Hands wherunto they re-

sort. Also for preservation of the young Tortoyes, by such orders, and vnder such penalties, as by the generall Assembly hereafter to be spoken of shall be set downe.

115.

They shall also haue especiall care of the preservation of Timber, that no waste be made thereof. And in particular, that no man presume without the Owners consent vnder his hand and seale, to cut downe young Cedar trees, before they be come to their growth, vnder a grieuous penalty, to be assessed at the discretion of the said Gouvernour and Councell. Neither shall they suffer any Timber, Boords, or Plankes, to be transported out of the said Islands, without especiall warrant from the Gouvernour, and Company heere.

116.

Care also shall bee taken, that all sorts of Trees, which defend the Islands from winds and tempests, bee preserved and maintained: and where decay hath been, that young Plants be there set and cherished.

117.

All Grants from the Company, of mens private Lands in the *Summer-Islands*, shall passe vnder the common Seale of the Company; which shall bee sufficient Euidence for their said Land: provided, that both the Grantees, and they from whom they deriue their estate, before the affixing of the said common

common Seale to their Grants, stand cleere from being any way indebted to the Company.

118.

No man may be Owner of more then ten shares of Land in the *Summer-Ilands*; except it shall please a Quarter Court, to grant liberty vnto any man for five shares more, or vnder, but not aboue: which Grant must bee confirmed also by the Quarter Court next ensuing. The Transgressor of this Law, either directly or indirectly, shall forfeit his shares exceeding the lawfull number, to the Company. But if they accrew vnto any man by discent or Legacy; in those cases there shall bee granted vnto him the liberty of twelue moneths, to alienate the shares exceeding the lawfull number.

119.

All Grants of Land and Liberties in the *Summer-Ilands*, shall be passed by Indenture; the counterpart whereof shall be sealed by the Grantees: and the Secretary shall haue the ingrossing of all such Indentures.

120.

No Patents, or Indentures of Grants of Lands in the *Summer-Ilands*, shall be sealed with the Companies Seale, but being read and approved in a Quarter Court: the same having been also first examined and allowed vnder the hands of a select Comitty for that purpose.

121.

No liberty shall be granted, tending to the exempting of any man from the authority of the Governour or Sheriffe of the *Summer-Islands*, or of the Councill or Courts to be there established, in any case of Treason, Rebellion, Sedition, Heresie, or Schisme; or vpon any duty to be performed for the necessary defence of the Countrey, or for the preservation of the publike peace, and suppressing tumults within the Land, or for Trials in matters of Iustice, by lawfull orders to be from hence deliuered; or in cases consented vnto, as well by a Generall Assembly of the Colony there, as by the Company heere in a Quarter Court. And all Grants swaruing from this Order, shall be deemed vnlawfull and surreptitious.

122.

In all Grants of Lands, a fifth of the Royall Mines of Gold and Siluer shall be reserued to the Company, as another fifth is already reserued to the Crowne.

123.

There is also, and shall be for euer reserued to the Company, the Moity of all lawfull wrecks; and the other Moity shall be to the Recouerers. But if the wrecke be driuen within the bounds of any particular mans Land; the Recouerers shall yeeld to the Owner of the said Land the one halfe of their Moity.

124. There

124.

There is likewise, and shall bee for ever reserved to the Company, a fifth part of all the Ambergreece that shall be found; and the rest shall be diuided equally betweene the finder, and the Owner of the Land where the same is found; saue that three shillings foure pence vpon euery ounce of the said Ambergreece, shall be allowed to the Gouvernour of the said Ilands. And whosoever shall not discover to the said Gouvernour and Sheriffe, and some one other of the Councell, the true quantity of the Ambergreece so found, within five dayes after the finding of the same, shall forfeit his owne intire part to the Company, and be subiect to such other punishment as the generall Court shall award.

125.

In all Patents or Indentures of Grants of Lands, the Grantees shall couenant to imploy their people in reasonable sort in Staple Commodities, and not wholly or chiefly about Tobacco.

126.

All Grants of Lands shall be made with equall fauours, and Grants of like liberties and immunities as neere as may bee; to the end that all complaint of partiality or vnindifferency may be prevented.

Officers

Officers in the Summer-Ilands.

XVIII.

127.

ALL Principall Officers in the *Summer-Ilands*, and namely, the Gouvernour, Sheriffe and Secretary, shall bee chosen heere by Ballating in a Quarter Court.

128.

The Ministers, and the Councell established in the *Summer-Ilands*, and all other Officers therereferued to the choyce of the Company heere, shall bee chosen in a Quarter Court by onely erection of hands; vnlesse the Court desire to haue it passe by Ballating.

129.

The Commissions to all Officers there, excepting Ministers, shall bee onely for three yeeres in certaine, and afterward during the Companies pleasure: onely the Gouvernour shall, vpon no occasion, hold that place aboue sixe yeeres together.

130.

The Company here shall not bee charged with the maintenance of the Officers there: But they shall be maintained there, out of the publike Lands, or by such other meanes as shall bee heereafter set downe.

Gouvernour

Gouvernour in the Summer-Ilands.

131.

XIX.

THe Gouvernour to be sent to the *Summer-Ilands*, shall be chosen a man well-affected in Religion, and zealous of the service of God; a Person discreet, industrious, moderate, iust, and valiant. His Commission is to bee for no longer time then three yeeres, to bee counted from the date of the same. Neuerthelesse, his said Commission is not to take effect, till the expiration, or other determination of the Commission to a former Gouvernour, or till the deliuey thereof to the new elected Gouvernour; either here in *England*, or in the said *Summer-Ilands*, as the case shall require. Howbeit it is, and shall be lawfull, by a new and solemne Election in manner before set downe, to continue the said Gouvernour in his place of Gouvernement for longer time, according to his deserts; so as the same exceed not fixe yeeres in the whole together. And if it happen that the Commission to any such Gouvernour, expire before the ariual of his lawfull Successor: In that case hee shall continue still in his place of Gouvernement, till such time as his said Successor shall ariue there: Immediately whereupon he shall yeeld vp the Gouvernement to him.

132.

The Gouvernours duty is to haue a vigilant eye
G vpon

upon the strength and safegard of the Ilands, both from forraine Inuasion, and intestine Mutinies. In which case hee hath authority to exercise Martiall Law, according to the manner and forme limited by his Maiesties Letters Patents.

133.
It is also his duty to haue an eye vpon the Ministers; as well that the people performe their duty toward them, and vse them with all due respect and reuerence; as also that they performe the duty of their place, in duly obseruing the solemne Diuine seruice, and training vp the People in the true feare of God, and obseruance of his Commandements; In assured allegiance also and duty to the King, his Heires and Successors: In obedience also to all other subordinate Gouvernours and Government, placed ouer them by authority deriued from his Maiesty: And lastly, in a fraternall loue and vnity among themselves. In all which, the example of the Magistrates and Ministers, will bee of more force then any other perswasion whatsoever.

134.
It is the Gouvernors Office, to haue care of the due administration of Iustice to all the People, as well in cases Criminal, as Ciuill: wherein the equity of the Lawes of *England*, & forme of administration of Iustice here vsed, is to bee followed as much as may be: Neuerthelesse the Gouvernour of himselfe alone shall not make any order in Causes litigious, without both parties consent: but shall heare and deter-

determine Causes with the Councils assistance and assent, in such manner as shall bee hereafter set downe.

135.

In all Causes ciuill brought to the Gouvernour and Councell at the first instance, they may proceed to hearing and determining therof in their ordinary sittings. But if it be brought to them by appeale from some other Inferiour Officers; Or if appeale be made from themselves; the Tryall thereof shall bee referued to the next Generall Sessions.

136.

The Gouvernour shall not proceed as of himselfe alone, to the Corporall punishment of any man, other then three daies imprisonment. If the crime deserue higher punishment, hee shall proceede by the aduice and assent of the Councell. Provided alwaies, that matters of Treason, Murder, and Felony; also of Forgery, Periury, Conspiracy, and such like, be referued to bee tryed at the next Generall Sessions, according to the Lawes and formes of Triall vsed in this Realme.

137.

The Gouvernour in the *Summer-Ilands*, hath power granted by his Maiesty, to minister a formall Oath to any person there whosoever, for the examination, testifying and cleering of the truth in any cause whatsoever, as well concerning the *Plantation*, as any other particular businesse there arising,

ling for the maintenance of Peace and Iustice amongst the Inhabitants. Of which power hee shall make vse there, in all such causes, and to all such persons, as the like is done by the Iudges and Iustices of this Realme.

138.

The Gouvernour shall not suffer any man to depart from the *Summer-Ilands*, against whom there is any cause or suit in Law depending; vnlesse the Defendant shall first substitute an Atturney sufficient to answere and vndergoe the Suit in his place; and also enter into bond with two sufficient Sureties, to performe whatsoever Sentence shall passe against him. And if the Gouvernour and Councell see probable cause to conceiue, that the Suit is set on foot vpon malice, and to stop the Defendant from his intended iourney: in that case the Plaintiffe shall likewise giue good security to pay to the Defendant double costs and damages, if the Sentence passe not against him.

139.

The Gouvernour is to hold two generall Sessions in euery yeere, at times to be appoynted by the generall Assembly hereafter mentioned: whereunto euery Tribe shall send sixe men chosen by themselves to serue for that Tribe, and the common Land twelue: and all other having businesse, or summoned by the Gouvernour and Councell, may, and shall repaire thither, and make their appearance. And no man shall depart till the Sessions be ended, without leaue of the Gouvernour.

140. The

140.

The Governour shall also, in every second yeere once, hold a generall Assembly, for the making of Lawes and Orders for the particular necessities and occasions of those Ilands, and the Inhabitants thereof, and for the ordering of other important businesse; which Lawes and Orders shall no furtherforth be of force and validity, if they receive not confirmation afterward in a Quarter Court heere. In this Assembly, the Governour shall sit as President, to moderate the Assembly, and shall have a Negative voyce. The Councell shall sit next to him, and each have his severall voyce: but if they all ioyne in one opinion, that also shall have the force of another Negative. And lastly, each Tribe shall by Election send out foure able persons, to represent that Tribe: and the Occupiers of common Land, eight; who shall have likewise free voyces in that Assembly; where all things shall bee established by plurality of voyces, the foresaid Negatives reserved.

141.

Lastly, it is the Governours duty, to oversee all inferiour Officers that they performe their duties. To which end he shall minister a formall Oath to all other Officers and inferiour Ministers in the said Ilands whatsoever, for the iust, true, and faithfull discharge of their severall places, duties and services.

G 3

142. The

142.

The Gouvernour shall not impose any Fines or Amercements for his owne behoofe: But all Fines, Amercements, Forfaitures, and Confiscations shall accrew to the publike service of the *Plantation*; or to such other vses as are before, or shall be heereafter particularly expressed; to be leuied and kept by the Sheriffe, and to be expended or paid over by direction of the Gouvernour and Councell.

143.

The Gouvernour shall not lay any Taxes or Impositions vpon the Lands in the *Summer-Islands*; or vpon the People or Commodities, otherwise then by the authority of the generall assembly; to bee leuied and imployed as the said Assembly shall ap-
poynt.

144.

The Gouvernour shall not withdraw the Inhabitants from their priuate labours, to any service of his owne, vpon any colour whatsoeuer. And in case the publike necessity require imployment of many hands, before the holding of a generall Assembly to giue order for the same: In that case, the leuying of men shall be done by order of the Gouvernour and whole Body of the Councell, and that in such sort, as to be least burthensome to the people, and most free from partiality.

145. The

145.

The Gouvernour shall not grant leave to, nor suffer the Tenant or servant of any man to returne into *England*, or otherwise to depart from the occupying of his Landlords or Masters Land, before the time of his Covenant be fully expired; except the Owner of the Land, vnder his hand and Seale giue consent thereto.

146.

The Gouvernour also, in quality of Captaine Generall, shall haue care that the people be trained vp to Military seruice: and shall from time to time giue seasonable aduertizmet, for prouision of Shot, Powder, and other Ammunition to be made. Hee shall also haue yeerely a generall Muster or view of Armes: And shall yeerely returne to the Company a list of the names of all the trained Bands, together with a Certificate of all defects whatsoever.

147.

The Gouvernour shall not forsake his charge, nor depart out of the *Summer-Ilands*, during the time of his Commission, without especiall Licence of a Quarter Court heere, vnder paine of being disfranchised for euer as an vnworthy person; and further censured and proceeded against, as by a generall Court shall be thought meet.

148. If

148.

If it happen the Gouvernour of the *Summer-Ilands* to dye, before the expiration of his Commission, or arriuell of his Successor; in that case the whole body of the Councell shall assemble together, and chuse any of themselves to succeed in that place of Government: vnlesse, or till such time as the Company take other order. The like course shall be held for all other Principall Officers.

Sheriffe.

149.

XX.

THe Sheriffes Office shall be, to see, or cause the Iudgements of the Gouvernour and Councell, especially those at the generall Sessions, to be put in due execution. At which Sessions hee shall also impannell the Iuries with all indifferency.

150.

He shall also leuie, or cause to be leuied, all Fines, Amercements, and other forfeitures whatsoever; and all Taxes and Impositions lawfully assessed. And the same in quality of a Treasurer to the Colony, shall keepe or conuert to the most profit for their vse, and shall expend the same for no other then publike seruices; and that by direction from the Gouvernour and Councell; and shall openly at euery Sessions deliver vp in writing, a true account
of

of all such his receipts and disbursements. The allowance for his charges, as well in executing the foresaid Iudgements, as also in leuying the said Fines, Amercements, Forfaitures, Taxes and Impositions shall be such, as by the said generall Assembly shall be set downe.

151.

Hee shall also in quality of a Treasurer to the Company, carefully collect and leuie all such profits, as shall any way belong to the Company, by reason of the Royalties and other Commodities to them reserued, or by reason of any forfeitures due to the Company: and shall cause them to be yeerely transmitted to the Company, together with his account; for which hee shall receiue from them an extraordinary reward. The like shall he do for the forfeitures due to the particular Owners of Lands.

152.

All Shot, Powder, Armour, and other Ammunition whatsoever, with all other publike provisions sent from the Company to the *Summer-Ilands*, shall be consigned to the custody and charge of the Sheriffe; who shall not deliuer out the same, or any part thereof, but by order, either from the Company here, or from the Gouvernour and Councell there, whereof the said Sheriffe shall yeerely give vp a true and perfect Account in writing, as well to the Gouvernour and Councell there, as also to the Gouvernour and Company here. And if any Officer or other person, by himselfe, his Seruants or Agents, shall

H

shall

shall sell away any of the publike provision of Shot, Powder, Armes, or other Ammunition, to the wrong of the Company, he shall make restitution to the double; and being an Officer, make forfait also of his place.

153.

Lastly, the Sheriffes duty is once at least every Quarter, and oftener if there bee cause, to visit the eight Tribes, as also the publike Lands, and all the severall parts both of the one and other; and by diligent enquiry, to see how as well these Orders of the Company, and all other instructions, as also the contracts and agreements betweene the severall members of the Company, and their Tenants or servants, are observed: and with the aduice and assistance of the Overseers of the Tribes, and of the chiefe Masters of Families, shall proceed to the reforming and rectifying of what is found amisse, according to such Orders as shall be established. And if any man be found intractable or incorrigible by the Sheriffe, hee shall be summoned by him to appeare before the Governour and Councell, either at the generall Sessions, or otherwise, as the cause shall require.

Ministers.

XXI.

THe Ministers being to be foure, shall haue their Churches and Parishes thus placed and divided. The first Church shall be at S. Georges Towne: and that Parish shall extend ouer all the publike Land,

Land, saue that parcel which adioyneth to *Harrington* and *Hamiltons* Tribe on the Maine. The second Church shall be on the said publike Land fast adioyning to *Harrington* & *Hamiltons* Tribe: and that Parish shall extend ouer that part of the publike Land, being as is said before, on the Maine; as also ouer all *Harrington* and *Hamiltons* Tribe, and *Smiths* Tribe. The third Church shall bee in *Pembroke* Tribe, vpon the two shares there bought for Glebe Land to the Parsonage: and that Parish shal extend ouer *Pembroke* Tribe, *Deuonshire* Tribe, and *Pagets* Tribe. The fourth Church shall be on the Confines of *Southampton* Tribe, and *Sandys* Tribe: And this Parish shall extend ouer *Southampton* Tribe, *Warwicke* Tribe, and *Sandys* Tribe. Neere adioyning to these Churches shall the Parsonage houses be built. And for the better yeerely maintenance of the Ministers, ouer and aboue their houses, Glebes, and Tenants as aforesaid: It is ordered, that there shall bee apportioned to them out of the fruits of the earth, and Cattell, growing and renewing within their seuerall Parishes, a certaine portion by way of charge vpon euery Share or Farme, so as to make vp each Ministers Intertainment in that kind, to the value of one hundred pounds a yere, or thereabout. Which value of one hundred pounds the yeere, shall commence at the end of seuen yeeres after the making hereof. And in the meane season, the proportion for their yeerely maintenance, besides the said Glebe Lands, shall bee such as shall bee agreed vpon betweene the Company and the seuerall Ministers.

155. Whereas the Owners and Occupyers of the Land, haue of their owne voluntary gift, offered the hundredth part yeerely of all their Tobacco, towards the building of the said Churches and Parsonage houses: it is ordered that the Ouerseers of euery Tribe, as also of the common Land, shall yeerely collect the same, and deliuer it vpon account to the Sheriffe, who by aduice and direction from the Gouvernour and Councell, shall take order for the erecting of the said Churches and houses; and faithfully expend that which shall arise by the said Collections vpon the vses aforesaid; and therof deliuer vp a yeerely account to the said Gouvernour and Councell: who shall transmit the same, or a copy thereof to the Gouvernour and Company here. The works being finished, the Gift also shall cease.

156. The Ministers shall diligently apply their vocation, and shew themselves Patternes of piety and vertue to the people. They shall by helpe of the Ouerseers of the Tribes, and other chiefe men in their Parishes, indeuour to reforme all disorderly persons. If any appeare incorrigible, he shall be presented to the Gouvernour and Councell; who shall proceed to reformation by exemplary punishment, according to the quality of the Offenders misdeeds.

157. For the auoyding of Sects and Factions in Religion,

ligion, the Gouvernour and Councell shall be careful to suppress by course of authority, all factious and seditious Preaching, teaching, and disputing, as well in priuate, as publike.

Secretary in the Summer-Flands.

158.

THe Office of the Secretary, is to keepe or cause to be kept a Register-Booke of the Decrees and Orders of the Councell there; and to deliuer to the Sheriffe, and other Officers to whom it shall appertain, a Copy of such of them as are to be published, or to be put in execution.

XXII.

159.

It is also the Secretaries Office, at the Generall Sessions, to performe, or cause to be performed, the Office of Clarke of the Peace, and Clatke of the Assises: and to haue care that all Trials doe passe in due forme of Law; and to keepe a Register Booke of all the verdicts and Iudgements: and to deliuer to the Sheriffe a Copy vnder his hand, of such of them as are to be put in execution.

160.

The Secretary shall also in all the generall Assemblies, hold the place of Speaker; and haue care that all things proceed and passe in due order: and shall keepe a Register Booke of all the Acts there passed,

being first signed by the Gouvernour and the Councell present.

161.

It is also ordered for the present time, till a more convenient course may be taken, that the probate of Wills, committing of Administrations, and all other Acts incident to Testamentary causes, shall be annexed to the Secretaries Office: who shall likewise keepe an exact Register of them. The Ministers also in their severall Parishes, shall deliuer vnto the Secretary at euery generall Sessions, a true note of all the Christenings, Marriages, and Burials, which haue been in their Parishes from the generall Sessions last before; which the Secretary shall likewise enter in a Booke, and shall send a Copy thereof yeerely to the Company.

162.

The Secretary at the arriuall of euery Ship at the *Summer-Ilands*, shall make a true list of the names of all the people the arriuing with intent to continue and inhabite in the said *Summer-Ilands*, of what sex, age, and Trade they are, and vpon whose account they are sent. And likewise at the departure of euery Ship shall make a like list of the names of all the Inhabitants that depart therein, with their sex, age, and Trade, and whose Tenants or seruants they haue formerly bin, together with the cause of their departure. Both which hee shall enter in a Booke there to be kept, and a Copy thereof shall transmit to the Company by the severall Ships returning.

163. Lastly,

163. Lastly, it is the Secretaries duty, to bee assisting to the Gouvernour, as well in dispatch of all Letters and other writings to the Company, as also in publishing all Orders, Commissions, and other directions whatsoever, which the Gouvernour there shall receive from the Gouvernour and Company heere, and to have care with the Gouvernour, that the said Orders, Commissions and directions be duly executed; and that thereof a seasonable account be given to the Gouvernour and Company heere.

164.

The Secretary, for his service at the generall Sessions, and at the generall Assemblies, and for Testamentary causes, shall have such Fees as shall bee set downe by the generall Assembly.

Captaines of Forts.

165.

THe Captaines of the Forts ought to bee men XXIII. discreet, and commended for fidelity. They are also to bee expert Gunners, and trained vp in Military service. Their duty is to have care of the safety of the Forts committed to their severall charges, and that they bee well furnished with all necessary provisions. There shall be also assigned by the Gouvernour and Councell, a competent number of the publike Tenants to the service of

of euery Fort, to be trained vp to that Seruice, and to be alwaies in readinesse when occasion shall require: which Tenants, in consideration of that attendance and seruice, shall pay to the Company only a fourth part of their yeerely profits. If any of the Captaines of the Forts die there, his place shall be supplied by appointment of the Gouvernour and Councell there, till such time as the Company here proceed to a new Election.

Overseers.

166.

XXIIII. **O**Vt of the fixe persons sent yeerely from euery Tribe, to serue for that Tribe at the generall Sessions to be held in the Spring or former part of the yeere, the Gouvernour and Councell shall chuse out two, to haue the place of Overseers of that Tribe for the yeere ensuing. And the Gouvernour shall openly in the said generall Sessions, minister vnto them a formall Oath for the due execution of their Office. Provided alwayes, that at the humble petition of any Tribe, the Gouvernour and Councell, if they so thinke good, may continue either one, or both of the Overseers of the former yeere, for the yeere also ensuing. Like course shall be held for the Overseers of the publike Land in all poynts. Provided alwayes, and it is reserved to the power of the Company here, to place such Overseers there from time to time, as they shall please to elect and nominate in any of their Quarter Courts.

167. The

The dutie of these Ouerseers, is in their severall charges, to diuide with an euen and iust hand between the owners and their Tenants, all the Tobacco and other Commodities growing within their charge. And to the end that they may better inform themselves what Crop is like to bee receiued out of the whole Tribe, they shall, about 14. daies before the vsuall time of gathering their Commodities, generally suruay all the Ground so planted throughout, and diligently obserue what quantity each Tenant or Seruant hath planted; and the same register in a booke; a Coppie whereof, as likewise of the Diuident, they shall send vnder their hands vnto the Company here. When the diuision is made betweene the Owner of the Land and his Tenants or Seruants, as iustly both for quantity and quality as they can: They shall cast Lots vpon the Moities, and take that part for the Owner which shall fall vnto him by Lot. Which done, they are likewise to haue faithfull care, that the Owners part of such Goods as are fit, or shall be directed to bee sent, bee duely packt vp sealed and conueied to the Ship, (vnlesse the Owner vnder his hand and Seale giue other direction,) to bee sent to the Company here, or as the Company shall direct. Other Goods vnfit to be sent by Sea, they shall dispose of as the Owners shall appoint. Provided alwaies, that the Tobacco to bee diuided, be cured and made vp in best manner, before the said Diuision bee made. And concerning the Tobacco

I

bacco and other Commodities of the growth of the Ouerseers themselves, the same course shall be held, as well for diuision thereof betweene them and their Landlords; as also for disposing of the Landlords Moity in maner aforesaid. Saue that the diuision of the Tobacco, and Commodities of the one Ouerseer, shall be performed and perfited by the other reciprocally.

168.

These Ouerseers also, in their seuerall charges, shall diligently enquire what Debts are owing by Tenants or Seruants, to their Landlords. To which end the Landlords shall acquaint the Ouerseers, with the seuerall Contracts betwixt them and their Tenants or Seruants. All which hereafter, for the auoiding of fraud or quarrell, shall passe by Indenture. And the said Ouerseers, after the diuision once made, shall cause satisfaction of the Debts appearing to be due, to be made to the Landlords, before they deliuer the Moity due to the Tenants or Seruants: Prouided that there be alwaies meanes left of liuelihood and subsistence, to the Occupiers of the Land.

169.

And to preuent all wrongs on either side, betweene Landlords and Tenants or Seruants: It is ordered, that the Gouvernor at euery Generall Sessions, shall charge the Grand Iury, to enquire by all lawfull meanes of such defaults: and especially to enquire if any fraud haue beene committed by

by the Tenants or Seruants, in concealing or secretly conueighing away any of the said profits to be diuided, before diuision of the same be made. And after presentment made, and tryall therof had, the Gouvernor there shall cause a true and perfect Certificate thereof to be made vnto this Company, vnder the Iurors hands. And for the better discoverie of all such misdemeanors, It is ordered that all the Ouerseers in euery Parish, shall once euery Quarter meete together at their Parish Church, and warne euery Parishioner to be there: thereby to learn what presentments shalbe made of the said misdemeanors, or any other of the like nature; the better to prepare that generall information. And in case any such purloyning, imbezelling, deccit or fraud shall bee proued, and the Tenant or Seruant thereof found guilty, the person so offending, either presently, or so soone as he hath wherewith to doe it, besides restitution, shall bee compelled to pay one fourth part of all the Tobacco, or such like profits which he hath or shal haue growing the same yeere; to be seized vpon by the said Ouerseers in their seuerall charges: which fourth part being subdiuided into three parts; the one part shall be to the Landlord or Master of the said Tenant or Seruant, another part to the said Ouerseers, as an increase of their Salarie, and a third part to the Informer or Informers. The like penaltie shalbe for any wrong done by the Landlord or Master to his Tenant or Seruant.

170.

It is the dutie also of the Ouerseers, to take vp all pettie controuerfies, and to enforme the Gouernour and Sheriffe of all matters of greater importance: To see the people diligently and discretely to apply their businesse: To acquaint the Sheriffe from time to time, of the estate of each Tribe; what persons there are on each Owners Land: what bee their names, and what their induours; and in what estate their Farmes doe lye, that the same may bee yeerely certified by the Sheriffe to the Company. They shall also haue care, that the seuerall Lands or Farmes be wel vsed, and occupied in husbandly manner by the seuerall Tenants and Seruants: That the houses be maintained and kept in reparaire: And that the Timber be preserved, according to the Orders concerning it.

171.

The Ouerseers, in regard of their great care and paines, if they performe their dutie according to their Oath, shall haue two in the Hundred waight of all the Tobacco growing within their precincts, to be taken out of each Moitie at the diuision made as aforesaid.

Councill.

Councell.

172.

OVt of the Officers aforenamed, the Gouvernor shall haue a Councell to assist him, which shall bee ordinarily these: The Sheriffe, The two Ministers planted on the publike Land, The Secretary, Two Captaines of the chiefe Forts, & the first of the Ouerseers of the publike Land. Neuerthelesse at the Generall Sessions, and vpon other especiall and extraordinary occasion, there shall sit with the Gouvernour, as being of the Councell, the other two Ministers, and the first of the two Ouerseers of euery Tribe. There shall bee also of the Councell, all such as haue held the places of chiefe Gouvernours or Sheriffes of the said *Summer-Ilands*, and haue worthily for their times discharged their Offices, and not beene censured for misdemeanors, either by the Company here, or by such Commissioners as shall bee sent from hence with such authority. Lastly, it is in the power here of a Quarter Court, to appoint any other particular person to be of the Councell there, whom they shall please to choose.

XXV.

173.

It shall not bee counted an Assembly of the Councell, vnlesse that foure of them, or three at least bee present, beside the Gouvernour: and that

without practice or purpose to exclude the rest.

174.

It is the dutie of the Councell there, to be assisting to the Governour with their faithfull and carefull aduice, both for the strength and safegard of the said Islands; and for the well Gouvernement of the people: as also for the due administration of Iustice in all causes brought before them: and for the obseruance of all the Lawes and Orders deliuered vnto them by authority from hence, and such other particular Instructions as from time to time they shall receiue. To the performing of which dutie, the Governour shall administer to euery of them, at his admittance to be of the said Councell, a formall Oath. And in all meetings of the said Councell, Resolutions and Iudgements shall passe by plurality of voices: Onely the Governour shall haue both two voices, and also a casting voice in the said meetings.

175.

The Governour, with the whole Councell, shall sit as Iudges or Iustices in the Generall Sessions. Wherein by agreement amongst themselves, they shall publish to the people what times they will hold for their ordinary hearing of causes and administration of Iustice, in all such matters as shal come or be brought before them: which times they shall not faile duly to obserue. Neuerthelesse, it shall be lawfull for the party griued, to appeale from any sentence given by the said Governour and Councell, to a more solemne triall at the next Gene-

ral

all Sessions: Yet so, that bee put in good security, to pay double costs and charges to the party at variance with him, if the matter passe against him at the said Generall Sessions, be it either by the verdict of Iury, or by the iudgement of the Gouverneur, and whole body of the Councell, as in cases of equity, and not tryable by Iury. The same Law shall be for all other appeales whatsoeuer.

176.

The pleading of all causes both Ciuill and Criminal, shall be *pre tensus*, and plaine. The parties by themselves, or by their more able friends declaring and alleaging what they haue to say each for themselves: And the Witnessees shall bee present, and heard *uina voce*, being first sworne. Onely the sentence shall be fully set downe in writing, and registred in a Booke to be kept for that purpose.

Inferiour Officers.

177.

THe Gouverneur and Councell shall, at their meeting at the General Sessions, chuse & appoint al other Inferior Officers, necessary either for the due and speedy administration of Iustice, or for other publike seruice in the said *Summer Islands*, whose fees shall be such & no other, as shall be rated & set downe by the General assembly from time to time. VVhich Generall Assembly may also at their pleasure,

XXVI.

alter and reforme the said Officers and Offices; with reference alwaies to the pleasure of the Companie here, as is before expressed.

178.

In like sort the Inhabitants of euery particular Tribe, as also of the publike Land, being assembled by the Ouerseers respectiue, shall haue power to chuse such inferiour Officers, for the behoofe and seruice of the said Tribes and publike Lands respectiue, as they shall finde necessary, with allowance of such Fees from the said Inhabitants, as they shall agree on: Which shall be subiect to the Confirmation or reformation of the said Generall Assembly, in manner before deliuered.

Commissioners.

179.

XXVII.

.IVXX

THe Gouvernour and Company here, by Order in a Quarter Court, shall once in three yeeres, if they thinke it so expedient, send or appoint Commissioners for the said *Summer Islands*; Men fearing God, Men of grauity, wisedome, courage and integrity vncontrouled, to examine the actions, as well of the said Gouvernour and Councell, as of all other Officers, or which in former times haue borne Office within the said Islands: Who shall also haue power, according to the tenour of their Commission,

Commission, to proceed to the censuring and reforming of all Delinquents: and the said Commissioners, during the time of their Commission, shall be exempted from any Iurisdiction over them in the said Islands: and of all their proceedings, they shall from thence, or at their returne, make due Certificate to the Gouvernour and Company here.

Inhabitants.

180.

THE Inhabitants of the *Summer-Islands*, shall duly frequent the service of God, and thereat behaue themselves with all decency and reuerence, vnder a penalty to bee set downe by their generall Assembly. The Masters also of Families, shall by aid and direction of their Minister, see their children, Seruants, and other Cohabitants, brought vp in the true knowledge and feare of God, in the hatred also of vice, and exercise of piety and vertue. XXVIII

181.

They shall carry themselves loyally both in deeds and words towards the *King*, his Heires and Successors. They shall also behaue themselves reuerently and dutifully, as well toward the Gouvernour and Company here, as also toward the Gouvernour and Councell there, vnder penalties to be set down by the generall Assembly. If any man suppose himselfe to haue iust cause of grievance, he shall not by

K

mutinous

mutinous speech raise discontent also in other men; but exhibite his Petition or Complaint to the Gouvernour and Councell; who shall transmit the same to the Gouvernour and Company here, from whom he shall receiue right and iustice without delay.

182.

The Tenants or Seruants shall not by vnreuerent speech or writing abuse their Landlords or Masters, vnder a penalty to be inflicted vpon them by a great and generall Court heere. But hee that hath cause of complaint, shall exhibite his Petition in manner aforesaid.

183.

If any of the Company heere, by any sinister meanes seeke to oppresse or wrong any of the Inhabitants there; after complaint made and prooued, either before the Gouvernour and Company heere, or the Gouvernour or Councell there, and certified hither, as the case shal require, besides the forfeiture aboue mentioned in the said *Summer Islands*, where of one third part shall be to the party griued; hee shall be also seuerely proceeded against in a Quarter Court here.

184.

If any man be a Common Swearer, or profane abuser of the Name of God, if after lawfull admonition by the Magistrate or Minister, he doe not reforme himselfe, besides other due punishment, hee shall be declared infamous.

185. If

185.
If any man of vnquiet and contentious spirit, be a common raiser of quarrels or brabbles amongst neighbours; besides other penalties to be inflicted according to Law, he shall be condemned by the Gouvernour and Councell to be a person infamous.

186.
A person by lawfull Sentence condemned and declared to be infamous, shall, during the time hee so continueth, be vncapable of any Office of dignity or command: But in Offices ministeriall, and of toyle only and labour, he may, and shall be employed. He shall not sit or stand in the Church with the rest of the Congregation, but in a lower place apart by himselfe: and in all other Assemblies, he shall alwayes sit or stand in the meanest place. His testimony shall not be receiued in any cause or businesse. If he commit any crime, or breake any Law or Order, his punishment shall be double to that of another man in the like case. If he presume to doe any thing contrary to this Order, hee shall indure fixe dayes strait imprisonment for the same. And euery person declared to be infamous, shall so continue, till hee publikely declare his repentance and reformation at a generall Sessions; and thereupon be discharged from his infamy.

187.
If any man being of an idle and vaine disposition, forsake his labour, or other businesse, and thereby giue example to other men to doe the like:

he shall be admonished thereof by the Sheriffe, or Ouerseer. If after admonition he persist in his idle course of life, he shall be declared infamous. But if the same person become also a wanderer or vagrant from the due place of his service: hee shall for the first time be onely admonished; but for euery offence after, he shal by order of the Sheriffe or Ouerseers, be scourged on the naked backe at the whipping post, as a Rogue; and the entertainers and relieuers of euery such wandring person, or of any Fugitiue from the businesse of his lawfull Landlord or Master, shall for euery time or day of such entertainment, forfeit ten pounds of Tobacco, or to the valew thereof: whereof the one Moity shall be to the vse of the Landlord or Master so wronged, and the other Moity shall be to the vse of the public workes of the *Plantation*.

188.

If any man be a Drunkard, or a common haunter of Tippling-houses; if after admonition he doe not reforme himselfe, besides other due penalties, he shall be declared infamous. And the Gouvernour and Councell shall in their generall Sessions, from time to time, take especiall care for limiting the number, and reforming the abuses of all Hosteries, Tauernes, or Drinking-houses, of what kind soeuer.

189.

If any man be a common spender of his time in dicing and carding, or other vaine or vnlawfull gaming; or vse the same at times vnseasonable; hee shall be declared infamous.

190. Who-

190.

Whosoever shall in brauery of apparell exceed his degree; if after admonition he doe not reforme the same, he shall in all publike burthens beare the double to any other.

191.

The Sheriffe and Overseers of Tribes, shall take diligent notice also of such persons, as by their orderly and industrious course of life, giue good example vnto those amongst whom they liue: whereof, and of their other good parts and abilities, they shall giue information to the Governour and Councell from time to time, who vpon that, and such other information as they shall take, shall aduertize in like sort the Gouvernour and Company heere of the men of best quality, good carriage and sufficiency in the said *Summer Islands*: that the Company may accordingly preferre, or otherwise reward persons of good sufficiency and well-deseruing.

192.

No Tenant or Seruant, let out and furnished by any Owner of Land according to their mutuall agreement, shall, during the terme contracted for betweene them, shifte his Master or Landlord, or occupie any other mans Land, or come away from the said Islands, without his Landlords or Masters consent in writing vnder his hand and seale.

193.

Whosoever shall by any perswasion whatsoeuer,

intice

intice or withdraw the Tenants or Seruants of any Owner of Land, to forsake the occupying of the said Owners Land, shall forfeit the one Moity of all his part of Tobacco, or other profits growing in that yeere; whereof two third parts shall be to the Owner of the said Land, and a third to the Informer. But if any man shall seeke to draw away any of the Tenants of the publike Lands; hee shall forfeit the double of the foresaid forfeiture, to bee leuied part in that yeere, part in the yere ensuing. Of which forfeitures, two thirds shall bee to the vse of the Company, and one third to the Informer. And the Tenant or Seruant so inticed or withdrawne, or withdrawing himselfe, shall be immediately returned to the said Owners or publike Land, as the case shall require.

194.

No Tenant or Seruant shall alienate, lend, or let to hire any Apprentice or Seruant, provided, sent, or contracted for by the Landlord, or Master, to be placed and imployed vpon his owne Land, without leaue first obtained from the Owner of the said Land, in writing vnder his hand and Seale. The Offender shal forfeit one hundred pound of Tobacco, and in want of Tobacco, other goods to the like proportionable valew, to be leuied to the vse of the said Owner or Landlord: and the said alienation, hiring, or lending out, shall be vtterly voyd: and the said Apprentice or Seruant shall bee returned to his first place, imployment, and seruice.

195. If

195.

If any Tenant or Seruant, being sent over to the *Summer-Islands* by his Landlord or Master, to be employed vpon his Land there, shall afterward betake himselfe to some handicraft trade, or other course of life, and either in whole, or in great part neglect the occupying of his said Landlord or Masters Land: he shall pay vnto his said Landlord or Master, during the time of the Contract with him, the Moity as well of all the profits by his other earnings, as of the profits of the said Land which hee shall occupy, to be rated, assessed, and leuied by such waies and meanes as shall be set downe in the generall Assembly.

196.

If any man marry the Maid-Seruant of any Owner of Land, or the Widow of any of his Tenants, or Seruants sent over to inhabite vpon his Land there; he shall by the Gouvernour and Councell, pay to the said Owner, the ratable part of furnishing out, and transporting the said Maid-Seruant or Widow, consideration being had to the time that shee hath serued her Master, or the owner there.

197.

It shall not be lawfull for Tenants or Seruants to abuse the Owners Land on which they are placed; but they shall vse it in an orderly & husbandly manner, according to the Owners directions, or according to such directions as they shall receiue, either from

from the Gouvernour and Councell, or from the Sheriffe and Ouerseers in their seuerall charges: who shall take the well-vsing of the Lands in the *Summer-Ilands* into speciall consideration. The Transgressor, after admonition and direction, shall forfeit the one Moity of his profits for that yere, to the vse of the Owner of the Land abused.

198.

The making and repairing of the Forts, also of Bridges, and Highwayes, and the preserving of the bounds of euery mans Land, shall be performed in such sort, and by such meanes as the generall Assembly shall appoynt.

199.

The Gouvernour and Councell shall take into consideration the building of houses in the said Ilands, and giue order that they may bee strongly and durably built; and being built, that they be wel maintained and kept in repaire. The execution of which order, and Suruey of the said buildings, shall be committed by them to the charge of the Sheriffe and Ouerseers, or such other as they shall thinke meet to appoynt. The violater of this Order shall be censured and punished at the discretion of the Gouvernour and Councell, at their next general Sessions.

200.

No kind of Timber-wood growing in the said Ilands, shall be vsed for firewood, vnder the penalty to be set downe in the generall Assembly, ouer and
above

about the double valew thereof to be forfeited to the Owner of that Land.

201. No Tenant or Seruant shall cut down any Timber trees, but vpon a Suruey and setting out thereof by the Ouerseers respectiue: which Timber so cut downe, shall be laid vp and preserued for the building of houses, and other necessary vses with the Owners consent. The transgressor of this Order shall be amerced at the discretion of the Governor and Councell; whereof the one Moity shall bee to the Owner of that Land, and the other to the publike seruices of the *Plantation*.

202. The Timber of the Land of one Owner, shall not be carried from thence to the Land of any other, or to the vse of any other person, without the Owners consent vnder his hand and Seale, vnder paine of the double valew, to be forfeited to the Owner, and leuied to his vse. But if necessity require, that the Timber growing vpon any private mans Land, be taken for publike vse of the Company and Colony; the Owner shall be paid for the same by the Company or Colony, according to a true estimate by an indifferent Iury.

203. The Inhabitants shall not diue too much scattered on single one from another, but draw them selves to liue in a Family at the least, where it may conveniently be, so to ease and worke together.

204.

Neither shall they wholly apply themselves to the planting of Tobacco; but rather to other more stabile and solid Commodities, as the Gouvernour and Councell by directions from hence, or as the generall Assembly shall appoynt.

205.

All bad, rotten, and otherwise vnwholesome or vnmerchantable Tobacco, being tryed by order in-acted in their generall Assembly, shall be publikely burnt, vnder such penalties for concealing of the said bad Tobacco, or neglecting to put the said Order in due execution, as by the said generall Assembly shall be set downe. And if the badnesse of the said Tobacco, haue happened meerly by the negligence or other default of the maker thereof: hee shall bee bound to continew in occupying of the Land where the said Tobacco did grow, one whole yeere longer then his contract with his Landlord, and so *toties quoties*, in recompence of the said Landlords losse vnderferuedly sustained.

206.

It is ordered that euery Tribe, at the common charge thereof, shall build a sufficient Storehouse with two roomes; the one for keeping Corne, the other for their Armes: and that each man be provided of one Sword and Peece at the least: and that all Peeces be of two sorts, Calliuers, and Muskets; and of one kind of bore, to auoid confusion by diuersity

diuersity of moulds and bullets. And the Inhabitants of euery Tribe being assembled by the Overseers, shall agree amongst themselves for the safe and cleane keeping both of the said Corne and Armour; that the one may bee sweeter, and the other bright and seruiceable. In defect whereof, the Governour and Councell shall set downe a certaine Order for the same; which the Sheriffe shall see put in due execution.

207. It is likewise ordered, that for the preventing of dearth, each Family sowe or plant a conuenient quantity of Corne, according to the proportion that the generall Assembly shall set downe. Of which Corne, a certaine quantity (to be rated likewise by the said generall Assembly) shall at euery Haruest, being well conditioned, bee brought into the publike Stores before mentioned: which at the Haruest of the next yeere shall bee faithfully deliuered out to the true Owners thereof, at their bringing in of new Corne of like quantity to the same. Provided alwayes, that in case of generall scarcity, the Corne in the said Store-houses may bee deliuered out to the Deliuerers in thereof, before the time of Haruest; or to others that shall bee prest with greater need, satisfying the Owners according to the true valew thereof. The penalties for neglect or breach of this order, are likewise referred to the generall Assembly.

XIXX

208. Where

208.

Whereas by reason of diuers vncertainties and difficulties, through the great remotenesse of the *Summer-Ilands*, the particularities of sundry matters mentioned in these Lawes, are referred to such further Orders, prouisions and penalties, as by the generall assembly to be held in the said Ilands, shall be thought iust and expedient: It is therefore ordered, that the Gouvernour of the *Summer-Ilands* which shall bee sent thither next, doe within one halfe yeere after his arriuall there, hold a generall Assembly: and that therein, according to the trust reposed in him and them, they doe, with graue and mature deliberation proceed to the setting downe of the orders and penalties here referred to them: and thereof, together with the rest of their proceedings, make a full and authentick Certificate to the Company, to receiue their approbation, or reformation, as there shall cause appeare.

Trade.

209.

XXIX.

IT shall be free for all the members of this Company, to trade into the *Summer-Ilands* with the Colony there, by Commission from the Gouvernour and Company here, which shall be denied to no man: and according to such Orders as the Company shall finde expedient for behoofe of the Colony.

lony: Provided notwithstanding, that if any man be found by himselfe, his Factors or Agents, to use any fraudulent or oppressive course to the wrong either of the Inhabitants there, or of the Owners of the Land: in that case the Company shall inhibit the party so offending, whether by himselfe, or by his Factors, or Agents, from trading to the said Islands, during the space of five yeeres then next ensuing; and vnder such penalty as shall be set downe in a great and generall Court. And for the better discovery of all fraud and oppression, the Cope-Marchant or Factor for euery publike ioynt-stocke or *Magazine*, shall keepe a true Booke of the sale of all the Commodities then sent and transported to the *Summer-Islands*; expressing both to what persons, as also in what quantities, and at what prices they shall haue bin sold: which Booke shall be presented to the view and consideration of a generall Court.

210.

If in any ioynt-stocke for a *Magazine* to be hereafter erected, the Generall Company, out of their common Cash beare part as an Adventurer: they shall ratably partake like profit, and vndergoe like losse, with other Adventurers: and any Order to the contrary shall be void. In which case also the Court shal appoint the meetings for the *Magazine*.

211.

The Governour and Company heere, as also the Governour and Councell residing in the *Summer-*

Ilands, shall from time to time haue especiall care, that as well the Passengers to and fro, as also the Inhabitants in the *Summer-Ilands* maintaine friendship and good correspondence with all other Nations being in league or amity with his Maiesty, and the Crowne of *England*; and that they forbear all hostile or iniurious acts or attempts against them, or any of them, in their persons, Possessions, Lands, Goods, or businesse, vpon penalty to be proceeded against as Malefactors in the highest nature, and disturbers of the generall peace established by his Maiesty.

Land in Virginia.

XXX.

VHereas the Company for *Virginia*, in consideration of the great defect of the quantity of Land in the *Summer-Ilands*, conceived to haue been at the time of the sale thereof to this Company, and to make recompence for the same, haue ordered in one of their great and generall Courts, that there shall bee granted by them, and vnder their Legall Seale, a large proportion of Land in *Virginia*, to be and continue to the Company of the said *Summer-Ilands*, and the members thereof for ever, for the better support of the said Company, and of the Inhabitants of the said *Ilands*: It is therefore ordered, that a select Committie bee forthwith appoynted, as well to pursue the perfecting

(83)
ing of the said Grant; as also to take into carefull
consideration, how the planting and peopling of
the said Land in *Virginia*, may bee proceeded with
in most effectuall sort, and without delay, and as
may be most for the support of the said *Summer-*
lands: which Committy shall from time to
time reduce into writing, and present to the
Courts, their proceedings therein: so
to receiue resolution and fur-
ther direction.

FINIS.

to receive testimony and the
Court, their proceedings therein; to
the evidence to writing and present to the
Ward: which Commission shall from time to
time be most for the support of the said Survey.

12. 11. 12.

